

**IN THE CLAIMS**

1. (Currently Amended) A method for providing mediated services to a client device having a predetermined communication protocol and a predetermined display format comprising:

- (a) receiving a request for a web page from the client device;
- (b) sending the request to a merchant web site;
- (c) receiving the requested information from the merchant web site at a mediator;
- (d) transforming the information into the predetermined communication protocol and predetermined display format that is suitable for the client device at the mediator; and
- (e) sending the transformed information via a network to the client device from the mediator.

2. (Original) The method of claim 1 further comprising:

- (f) providing at least one mediated electronic commerce service for a merchant.

3. (Original) The method of claim 2 wherein the step of providing at least one electronic commerce service for the merchant includes one of shopping cart services, billing services, shipping services, and payment services.

4. (Original) The method of claim 1 wherein the step of transforming the information into the predetermined communication protocol and predetermined display format that is suitable for the client device includes:

- transforming the information into one of an HTTP communication protocol and WAP communication protocol.

5. (Original) The method of claim 1 wherein the step of transforming the information into the predetermined communication protocol and predetermined display format that is suitable for the client device includes:

transforming the information into one of a HTML display format and VML display format.

6. (Original) The method of claim 1 wherein the step of receiving the requested information from the merchant web site includes:

receiving information in one of a proprietary format, a mark-up language format, an XML format, and other format designed for exchanging information.

7. (Original) The method of claim 1 further comprising:

(f) providing mediated shopping services; wherein the step of providing mediated shopping services includes

the client device sending a request to add or delete items from a shopping cart; and

receiving the add or delete requests, and responsive thereto for updating a shopping cart record.

8. (Original) The method of claim 1 further comprising:

(f) providing mediated payment services; wherein the step of providing mediated payment services includes

the client sending a purchase request to purchase one or more items in a shopping cart;

receiving the purchase request; and  
responsive to the purchase request for updating a shopping cart record to  
reflect the purchase.

9. (Original) The method of claim 8 wherein the step of providing mediated payment services  
further includes

a client providing payment information to a mediator;  
the mediator debiting a client's account; and  
the mediator handling payment to a merchant;  
wherein the account information of the client is not provided to the merchant.

10. (Original) The method of claim 1 further comprising:

(f) providing mediated shipping services; wherein the step of providing mediated  
shipping services includes

the client sending delivery information to a mediator;  
the mediator directly providing the delivery information to a shipping  
company and arranging for the shipping company to pick-up the merchandise from  
the merchant;  
wherein the client delivery information is not provided to the merchant.

11. (Original) A system comprising:

(a) a merchant that sells one or more products, the merchant providing information in  
a predetermined format concerning at least one product; and

(b) a mediator configured to communicate with the merchant for receiving the product information in the predetermined format and for transforming the product information into a plurality of communication protocols and display formats so that devices having different communication protocols and display formats can process the product information.

12. (Original) The system of claim 11 further comprising:

a first electronic commerce service provider for providing an electronic commerce service to the merchant.

13. (Original) The system of claim 11 wherein the first electronic commerce service provider is one of a shopping cart service provider, a billing service provider, a payment service provider, a shipping service provider, and a content adaptation service provider.

14. (Original) The system of claim 11 wherein the mediator includes

a content adaptation mechanism for automatically transforming the information into one of an HTTP communication protocol and WAP communication protocol.

15. (Original) The system of claim 11 wherein the mediator includes

a content adaptation mechanism for automatically transforming the information into one of a HTML display format and VML display format.

16. (Original) The system of claim 11 wherein the mediator receives the product information in one of a proprietary format, a mark-up language format, an XML format, and any other format designed for exchanging information.

17. (Original) The system of claim 11 wherein the mediator further comprises:

a mediated shopping service provider for receiving add or delete requests from a client, and responsive thereto for updating a shopping cart record.

18. (Original) The system of claim 11 wherein the mediator further comprises:

a mediated payment service provider for receiving a purchase request from a client, and responsive to the purchase request for updating a shopping cart record to reflect the purchase.

19. (Original) The system of claim 18 wherein the mediated payment service provider receives payment information from the client, and responsive thereto, arranges for payment of the merchandise with the merchant without disclosing client payment information to the merchant.

20. (Original) The system of claim 11 wherein the mediator further comprises:

a mediated shipping service provider for receiving delivery information from a client, and responsive thereto for directly providing the delivery information to a shipping company, thereby arranging for delivery of the merchandise from the merchant to the client without disclosing client delivery information to the merchant.

21. (Previously Presented) The method of claim 1, wherein the step of receiving a request for a web page comprises receiving a request for a web page from the client device, wherein the request includes a request for product information from the merchant web site.

22. (Previously Presented) The method of claim 1, wherein a virtual identifier of the merchant web site is determined by passively interrogating a source, the source being operable to transmit or broadcast the virtual identifier to a client device in a predetermined range.

23. (Previously Presented) The method of claim 1, wherein a virtual identifier of the merchant web site is determined by scanning readable code.

24. (Previously Presented) The system of claim 11, wherein the mediator is further configured to receive a request for the product information from a client device and transmit the request to a website for the merchant.

25. (Previously Presented) The system of claim 24, wherein a virtual identifier of a product associated with the product information is provided by actively or passively interrogating a source within a predetermined range of the client device.

26. (Previously Presented) An apparatus connected to at least one client device and at least one merchant web site, the apparatus comprising:

means for receiving a request for product information from a client device;

means for sending the request to a merchant web site providing the product information;

means for receiving the requested product information from the merchant web site;

means for transforming the product information into a predetermined communication protocol and predetermined display format that is suitable for the client device; and

means for sending the transformed information to the client device.

27. (Previously Presented) The apparatus of claim 26 comprising:

means for providing at least one mediated electronic commerce service for a merchant.

28. (New) The method of claim 1, wherein transforming the information into the predetermined communication protocol and predetermined display format that is suitable for the client device at the mediator further comprises transforming the information into a plurality of different predetermined communication protocols and a plurality of different predetermined display formats for a plurality of clients based on a display format and a communication protocol used by each of a plurality of client devices.

29. (New) The method of claim 28, wherein sending the transformed information via a network to the client device from the mediator further comprises sending the transformed information to the plurality of clients using the plurality of different predetermined communication protocols and the plurality of different predetermined display formats.

30. (New) The method of claim 1, wherein receiving the requested information from the merchant web site at a mediator further comprises receiving the requested information in a generic display format from the merchant web site.



**PENDING CLAIMS**

Claims 1-30 are pending of which claims 1, 11 and 26 are independent and claims 28-30 are newly added. In the Office Action, claims 1-3, 6, 11-13, 16 and 21-27 were rejected under 35 U.S.C. §102(b) as being clearly anticipated by Mital (U.S. Pat. No. 5,903,652). Claims 4, 5, 14 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mital in view of Scholl et al. (U.S. Pat. No. 5,742,762). Claims 7-10 and 17-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Breen et al. (U.S. Pat. No. 6,598,027) in view of Scholl et al. These rejections are respectfully traversed for the reasons stated below.

**TELEPHONE INTERVIEW CONDUCTED**

A telephone interview was conducted between Ashok Mannava and Examiner Fischer on August 3, 2004. As agreed upon in the interview, Examiner Fischer is respectfully requested to call Mr. Mannava at the number below to discuss the amendments herein before preparing an Office Action in response to this Amendment.

**REJECTION UNDER 35 USC § 102**

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed invention. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 1-3, 6, 11-13, 16 and 21-27 were rejected under 35 U.S.C. §102(b) as being clearly anticipated by Mital. Claim 1 recites, “transforming the information into the predetermined communication protocol and predetermined display format that is suitable for the client device at the mediator.” Claim 1 also recites, “sending the transformed information via a network to the client device from the mediator.”

During the telephone interview, Examiner Fischer indicated that the claims could be broadly interpreted to include transforming the information into a predetermined display format at the client device, and Examiner Fisher further alleged that this type of transformation is performed at any client device. By this amendment, claim 1 now includes transforming at a mediator and sending the transformed information to the client device via a network from the mediator. Thus, the display format transformation is performed at the mediator, which is connected to the client device via a network.

Mital fails to teach transforming the information into the predetermined display format that is suitable for the client device. The rejection states that Mital discloses, in column 10, lines 36-47, transforming the order request into protocol and format suitable for the customer computer and, in column 8, line 66-column 9, line 4, sending order receipt information back to the customer computer. In the passage cited in column 10, Mital discloses that the gateway computer 206 translates messages between the protocol of the WAN 202 and the protocol of the LAN 208 in order to establish connections among merchant computers 108 and consumer computers 100. Mital, however, fails to teach that the

gateway computer 206 or any other computers transform requested information from a merchant website into a predetermined display format that is suitable for a client device.

In the passage cited in columns 8 and 9, Mital discloses the merchant computer 108 receives confirmation of whether sufficient funds are available to pay for a desired transaction and sends a receipt message to the consumer computer either denying or accepting the transaction specified in the purchase order message. Mital, however, does not teach transforming requested information from a merchant web site. The receipt message of Mital is not requested. Instead, the receipt message is generated based on whether sufficient funds are available to pay for a desired transaction. Mital also does not teach the receipt message is transformed into the predetermined display format that is suitable for the client device.

On page 6 of the Office Action, the Examiner further alleges (citing column 10, lines 36-67 of Mital) that Mital discloses gateways 206 and 216 for translating messages between networks into the appropriate protocol and format to establish connections. The Applicants are unable to find any disclosure in Mital that teaches translating messages into an appropriate format as alleged by the Examiner. Furthermore, as stated above, Mital discloses that the gateway computer 206 translates messages between the protocol of the WAN 202 and the protocol of the LAN 208 in order to establish connections among merchant computers 108 and consumer computers 100. Mital, however, fails to teach that the gateway computer 206 or any other computers transform requested information from a merchant website into a predetermined display format that is suitable for a client device. A protocol transformation by a gateway computer does not require a change in display format. For example, a wireless device may communicate using a wireless application protocol (WAP), and another device may communicate using an HTTP protocol. Conversion between these

protocols may encompass converting packets from one protocol to another. However, converting the communication protocol does not necessarily require changing the display format of information transmitted in the packet. Accordingly, Mital fails to teach all of the features contained in claims 1-10, and thus, these claims are believed to be allowable.

Independent claim 11 recites a mediator configured to transform “the product information into a plurality of communication protocols and display formats.” Independent claim 26 recites, “Means for transforming the product information into a predetermined communication protocol and predetermined display format that is suitable for the client device.” As described above, Mital fails to teach transforming product information from a merchant into a plurality of display formats or into a predetermined display format. Thus, claims 11-20 and 24-27 are believed to be allowable.

The 102 rejection failed to address any of the features of dependent claims 21-25. According to an embodiment of the Applicants’ disclosure, a mediator 130 is provided for an online shopping system. The mediator 130 receives product information requests from a client device. In one example, the client device generates a product information request based on a virtual identifier associated with the product. The client device may receive the virtual identifier from a source, such as shown in figure 2, by passive interrogation. Also, the virtual identifier may be provided in scannable code. The client device transmits the product information request, which may include the virtual identifier, to the mediator 130, which in turn transmits the request to the corresponding merchant web site. Then, the mediator 130 receives the requested product information from the merchant web site, converts the information to a protocol and display format suitable for the client device, and transmits the product information to the client device.

Claim 21 recites receiving a request for a web page from the client device, wherein the request includes a request for product information from the merchant web site. Claim 24 recites a mediator configured to receive a request for the product information from a client device and transmit the request to a website for the merchant. Mital fails to teach or suggest a mediator receiving a request for product information.

Claim 22 recites a virtual identifier of the merchant web site is determined by passively interrogating a source. Claim 23 recites a virtual identifier of the merchant web site is determined by scanning readable code. Claim 25 recites a virtual identifier is provided by actively or passively interrogating a source within a predetermined range of the client device. None of these features are taught or suggested by Mital. Thus, claims 21-25 are believed to be allowable. Furthermore, because Mital fails to teach each and every feature of claims 11-20 and 24-27, the rejection is improper and finality must be withdrawn.

### **REJECTIONS UNDER 35 USC § 103**

Claims 4, 5, 14 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mital in view of Scholl et al. Claims 4 and 5 are dependent on independent claim 1, and claims 14 and 15 are dependent on independent claim 11. Thus, claims 4, 5, 14 and 15 are believed to be allowable based at least on their dependencies of respective independents claims. In addition, it would not have been obvious to combine Scholl et al. with Mital because the references are unrelated. Scholl et al. is directed to network management software and Mital is directed to a secure e-commerce system. Thus, claims 4, 5, 14 and 15 are believed to be allowable.

Claims 7-10 and 17-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Breen et al. in view of Scholl et al. Claims 7-10 are dependent on independent claim 1

and claims 17-20 are dependent on independent claim 11. Thus, claims 7-10 and claims 17-20 are believed to be allowable for at least the reasons claims 1 and 11 are believed to be allowable.

If the Examiner intended to combine the combination of Breen et al. and Scholl et al. with Mital to teach the features of claims 7-10 and 17-20, the rejection must provide motivation for combining Breen et al. and Scholl et al. with Mital. *See* MPEP § 706.02(j). The rejection, however, fails to provide motivation for combining Breen et al. and Scholl et al. with Mital. Thus, the rejection fails to establish a *prima facie* case of obviousness.

On page 6 of the Office Action in the Response to Arguments section, the Examiner states that the motivation to combine Mital, Breene et al., and Scholl et al. is that Scholl et al. discloses gateways that transform information to and from HTTP and HTML. The rejection of claims 7-10 and 17-20 on page 4 of the Office Action combines Breen et al. with Scholl et al. to teach anonymous electronic commerce. However, no motivation is provided to combine the anonymous electronic commerce allegedly taught by Breen et al. with Mital. The features allegedly taught by Scholl et al. are irrelevant to the motivation to combine Breen et al. with Mital. Failure to provide motivation for combining Breen et al. with Mital results in failure to establish a *prima facie* case of obviousness.

In addition, it would not have been obvious to combine Breen et al. with Mital or Scholl et al. Breen et al. discloses using an intermediary to facilitate electronic auctions over a computer network. The intermediary, for example, initiates delivery of regulated goods to a winning bidder. *See* Breen et al., Abstract. Neither Mital nor Scholl et al. disclose an auction service. As described above, Scholl et al. is unrelated to ecommerce and is directed to a network management system. Mital et al. discloses an ecommerce service that audits secure transactions between consumer computers and merchant computers by storing information

related to purchase orders from consumer computers. Mital, however, does not perform any services related to electronic auctions. Thus, it would not have been obvious to combine Breen et al. with Scholl et al. or Mital. Accordingly, claims 7-10 and 17-20 are believed to be allowable.

**NEWLY ADDED CLAIMS**

Claims 29-31 are newly added and include features not taught or suggested by the cited prior art. In particular and in contrast to transforming information at a client device, claims 29-30 are directed to transforming information into a plurality of different communication protocols and display formats used by a plurality of client devices. Claim 31 is directed to transforming information from a generic display format into a predetermined display format. For example, the information may be received in a generic display format, such as ASCII text, and the mediator transforms the information into a display format used by the client device. None of these features are taught or suggested by the cited prior art and thus claims 29-31 are also believed to be allowable.